

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

BETTY L. HICKMONT,

Appellant/Debtor,

v.

Case Number 09-14409-BC
Honorable Thomas L. Ludington

RANDALL L. FRANK,

Appellee/Chapter 7 Trustee.

**ORDER DIRECTING PARTIES TO SUBMIT STIPULATION AS TO BANKRUPTCY
COURT'S FINDINGS OF FACT OR PROVIDE THE COURT WITH HEARING
TRANSCRIPT**

On February 20, 2009, Debtor Betty L. Hickmont filed a petition for Chapter 7 bankruptcy. During the chapter proceedings, Debtor claimed a homestead exemption under 11 U.S.C. § 522(d)(1) for real property located at 10119 Woodland Road, St. Helen, Michigan, to which Trustee Randall L. Frank objected. The bankruptcy court determined that Debtor was not entitled to claim the homestead exemption because she did not reside at the real property. Now before the Court is Debtor's appeal from that order [Dkt. # 1], filed November 11, 2009.

While the parties' papers note that this Court reviews the bankruptcy court's legal conclusions de novo and findings of fact for clear error, *In re Holland*, 151 F.3d 547, 547 (6th Cir. 1998); Fed. R. Bankr. P. 8013, the parties have not provided the Court with the evidentiary hearing transcript. *See* Fed. R. Bankr. P. 8006. Likewise, the parties have not expressly stated that none of the bankruptcy court's factual findings are being challenged. Thus the parties will be directed to clarify this issue.

Accordingly, it is **ORDERED** that the parties are **DIRECTED** to either submit a stipulation as to the bankruptcy court's findings of fact or provide the Court with the hearing transcript on or before **APRIL 16, 2010**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: April 1, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 1, 2010.

s/Tracy A. Jacobs
TRACY A. JACOBS